

DECISION RECORD

for

DESIGNATION of the CONTINENTAL DIVIDE NATIONAL SCENIC TRAIL

South Pass City to Wyoming State Highway 28

As Analyzed In

ENVIRONMENTAL ASSESSMENT WY-050-EA9-008

Dated 1/25/99

**LOCATION: LANDER and
ROCK SPRINGS FIELD OFFICES**

within

FREMONT COUNTY, WYOMING

Prepared by the

BUREAU OF LAND MANAGEMENT

LANDER FIELD OFFICE

Lander, Wyoming

May 25, 2000

DECISION/RATIONALE: It is our decision to designate a three mile segment of the Continental Divide National Scenic Trail (CDNST) on Bureau of Land Management (BLM)-administered public lands within the Lander and Rock Springs Field Offices. This segment is located between the CDNST South Pass City Trailhead and Wyoming State Highway 28, near Dead Ox Creek.

The selected route is described later in this document and is shown on the attached map.

This segment was analyzed in an environmental assessment (WY-050-EA9-008) completed in January 1999. The decision on designation of this segment of the CDNST was deferred in April, 1999, pending review by the USDA Shoshone National Forest and the BLM's Rock Springs Field Office of their March 1998 joint decision on designation of the CDNST north of Wyoming State Highway 28. This review was completed in the fall of 1999 and reaffirmed their previous decision of selection of the Little Pine Creek route.

Decision - Designation of the CDNST will be limited to BLM-administered public land.

Rationale - The 1985 CDNST Comprehensive Plan provides guidance to the BLM to designate the trail on BLM-administered public lands. This designated route segment provides a contiguous trail between previously designated segments of the CDNST. The public will still have the option to explore the surrounding areas (after obtaining any needed permission from private landowners for use of private lands) as they travel along the CDNST. The public's sense of adventure and exploration will not be hampered by the designation of this segment as a component of the CDNST.

Decision - Existing single track trail and primitive two-track roads will be utilized as components of this segment of CDNST. The existing primitive two-track roads will continue to be open to motorized use, as provided for in the respective Resource Management Plan (RMP) decisions on Off Road Vehicle (ORV) designations. The use of cross country travel will be utilized to avoid private lands or to provide the linking of primitive two-track roads. These cross country travel routes will not be open to motorized use.

Rationale - The ORV designations contained in the two RMPs (Lander and Green River) provide for the use of motorized vehicles on existing primitive two-track roads that will be designated as a component of the CDNST. The 1985 Comprehensive Plan supports the continued use of motorized vehicles on segments of the trail where such use is provided by the ORV designations in the respective RMPs. The primitive two-track roads are described as Semi-Primitive Motorized (SPM) in the Recreation Opportunity Spectrum (ROS) classification. This ROS setting has a predominantly natural appearance with trail users having a moderate probability of experiencing solitude. Additionally, the user can experience a closeness to nature and a sense of tranquility. Where the trail utilizes cross country travel, motorized vehicle use is not permitted by the ORV designations.

Decision - Signing of the CDNST utilizing the uniform marker will be limited to the level necessary for trail users to navigate the trail.

Rationale - The 1985 Comprehensive Plan states signing of the trail should not detract from the opportunities to experience the wide variety of travel conditions. Use of the uniform marker is specified in the Plan to be used on the CDNST.

Decision - The U.S. Department of Agriculture's Animal and Plant Health Inspection Service/Wildlife Services will be notified of the CDNST location on BLM-administered public lands. Mitigation or restriction of animal damage control activities will be requested to protect the safety of the recreating public.

Rationale - The predator control program on BLM-administered public land is administered by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service/Wildlife Services (APHIS/WS) through a Memorandum of Understanding (MOU) between the two agencies. The MOU calls for the BLM to assure that all predator control activities are consistent with the BLM's public land management objectives and management prescriptions, and do not create unacceptable conflict with other multiple use activities. The MOU also calls for the BLM to identify areas on BLM-administered public land where mitigation or restriction of predator control may be needed. These areas include recreation sites, trails, and popular dispersed recreational use areas such as hiking and rock hounding areas. Apprizing APHIS/WS of potential areas of concern from a public safety issue is required by the MOU. The MOU identifies APHIS/WS as having the responsibility of carrying out the predator control program with consideration for the safety of the recreating public.

Decision - A Title V, right-of-way will be issued to BLM in accordance with 43 CFR 2807-Reservation to Federal Agencies for the CDNST on BLM-administered public lands.

Rationale - The reservation of the trails on BLM-administered public lands will ensure that the trail right-of-way will remain in the event that the public lands containing the trail are disposed of in the future through sale or exchange. No action would be taken to terminate or otherwise limit uses related to the right-of-way without consent of the BLM.

Decision - Site specific environmental assessments (EA) will be prepared prior to any improvements to existing surface water sources along the trail. Creating additional water sources specifically for the trail, such as drilling wells, or providing potable water, is not proposed.

Rationale - Public comments during preparation of the 1985 Comprehensive Plan stated that the trail users should be able to cope with the natural conditions of the lands through which the trail passes. The creation of artificial water sources would detract from the harsh desert environment and change the current opportunities to experience the wide variety of travel conditions along the trail. Any future improvement of existing water sources for wildlife and livestock/wild horses should also consider the needs of the trail user and provide a non-potable water source suitable to all user groups. Site specific EAs will provide for the analysis of impacts, consideration of all affected resources, identify appropriate mitigation measures, and aid in the compliance with the National Environmental Policy Act.

Decision - The development of a trail fact sheet will emphasize the need to avoid private lands, without first obtaining permission to use the private lands, and to educate the trail users in the principles of Leave No Trace, an outdoor skills and ethics program.

Rationale - Educating the public in outdoor skills and ethics will help reduce the level of impacts to private lands, vegetation, soils, wildlife, livestock, and the impacts associated with the creation of new fire rings by trail users. The Leave No Trace program advocates minimum-impact travel and camping techniques that when followed will aid in reducing impacts caused by trail use.

Decision/Route Description - The selected route will leave the existing South Pass City Trailhead cross Willow Creek on BLM Road 4107 and immediately turn right onto an existing single-track trail leading up stream for approximately 1/4 mile. The route then leads away from Willow Creek on an existing single track to follow a drainage westerly for another 1/4 mile. Utilizing cross country travel for approximately one and 1/4 mile, the route connects with an existing primitive two-track road and follows it approximately one and 1/4 miles, crossing Dead Ox Creek, before intersecting Wyoming State Highway 28. This route location aligns with the gate on the north side of the right-of-way as the existing CDNST continues on BLM-administered public lands (Rock Springs Field Office) toward the Shoshone National Forest.

Following consultation with the Wyoming Department of Transportation, two stiles (wooden steps over the highway right-of-way fence) will be installed adjacent to existing wire gates on both sides of the highway.

Rationale - The selected route provides for a contiguous trail linking previously designated segments of the CDNST. Use of cross country travel avoids private lands at the Franklin Mine. This segment also provides for ease of route finding and avoids improved roads. There are ample surface water sources at Willow Creek and Dead Ox Creek that will provide treatable water (non-potable) along this 3 mile segment.

Installation of stiles for use by hikers would reduce the chance of a gate being inadvertently left open. The availability of the stiles would greatly reduce the potential of livestock entering the highway right-of-way through an open gate.

FINDING OF NO SIGNIFICANT IMPACTS:

Based on the analysis of potential environmental impacts contained in the Environmental Assessment for the Designation of the Continental Divide National Scenic Trail, WY-050-EA9-008, dated 1/25/99, we have determined that impacts are not expected to be significant and an environmental impact statement is not required. The decisions contained in this document are in compliance with the applicable land use plans covering the BLM-administered public lands to be designated as the Continental Divide National Scenic Trail (Lander Resource Management Plan and Green River Resource Management Plan).

/s/ Jack Kelly
Lander Field Manager

5/22/00
Date

/s/ John F. McKee
Rock Springs Field Manager

5/16/00
Date

These decisions may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in the Lander Field Office, P.O. Box 589, Lander, WY 82520 within 30 days from receipt of these decisions. The appellant has the burden of showing that the decision (s) appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) for a stay of the effectiveness of this decision (s) during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for stay must also be submitted to each party named in this decision (s) and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with the appropriate field office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for stay of a decision (s) pending appeal shall show sufficient justification based on the following standards:

- a. The relative harm to the parties if the stay is granted or denied,
- b. The likelihood of the appellant's success on the merits,
- c. The likelihood of immediate and irreparable harm if the stay is not granted, and
- d. Whether the public interest favors granting the stay.